

Appeal Decision

Site visit made on 11 July 2017

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th July 2017

Appeal Ref: APP/J3720/W/17/3168742

Top Tomlow Meadows, Tomlow Road, Nr Napton, Southam, Warwickshire CV47 8HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Potter against the decision of Stratford-on-Avon District Council.
 - The application Ref 16/02351/FUL, dated 30 June 2016, was refused by notice dated 8 September 2016.
 - The development proposed is described as 'Construction of a 2 bedroom bungalow in connection with an agricultural business to replace existing caravan'.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether there is an essential need for a rural worker to live permanently at or near their place of work and whether the proposal would help deliver a sustainable pattern of development, with particular regard to location.

Reasons

3. The appeal site is a small rectangular site located off Tomlow Road. The appellant's submitted plans show that there are 3 agricultural fields within their ownership/control and these are associated with their appeal proposal. At the time of my site visit the fields were being used for the grazing of livestock.
 4. Policy CS.1 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS), seeks to ensure that development should be located and designed so that it contributes towards the maintenance of sustainable communities within the district. Policies CS.15 and CS.16 of the CS seek to ensure that new development is directed to sustainable locations and set out how development should be distributed across the district by identifying settlements that have a range of sizes, functions and characteristics. Therefore, based on the evidence before me, the appeal site is not within a defined settlement boundary/location identified for development and as a consequence the proposed development would be an isolated dwelling in the context of both the development plan and paragraph 55 of the National Planning Policy Framework (the Framework).
 5. Policy AS.10 of the CS, seeks amongst other things to ensure that residential development will not be permitted unless it is a permanent dwelling for
-

occupation by a person engaged in an agricultural operation or other form of use that can only reasonably be carried out in the countryside, subject to a functional need being established.

6. I have carefully considered the appellant's submissions where they have stated that they require a dwelling to support their plans to create a self-contained farm business (small holding) at the appeal site and that their existing caravan/shelter is unsuitable for this purpose. However, there is no substantive evidence before me that would adequately demonstrate that there is an essential need for a person or persons to be present on the site at most times sufficient to justify the provision of residential accommodation in relation to their current limited farming enterprise. Furthermore, there is no business plan or evidence before me that explains how it is intended to expand the smallholding in the future and how this would result in an essential functional need for a worker to be on site at most times. Consequently, it has not been justified that there is a functional need for a dwelling at the site. Therefore the proposed dwelling would be an isolated new home in the countryside.
7. In reaching this conclusion I have taken account of the welfare and security of the livestock at the small holding. However, given the limited scale of the enterprise, the existing arrangements including the occasional use of the caravan would provide adequate facilities during the calving.
8. Therefore the proposal would conflict with Policies CS.1, CS.15 CS.16 and AS.10 of the CS. Moreover, the proposal would be in conflict with key principles of sustainability within the Framework in particular paragraph 55.

Conclusion

9. For the above reasons, and having carefully considered all other matters raised. I conclude that the appeal should be dismissed.

Jameson Bridgwater

INSPECTOR